

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JUNE 12, 2023

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DOCKUM T. LEE, JR. CENTER

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APPLICATION OF

ROANOKE GAS COMPANY

CASE NO. PUR-2023-00095

For approval to implement an updated Rider RNG
and file the annual report required by Virginia
Code § 56-625 E and Enactment Clause 3

ORDER FOR NOTICE AND COMMENT

On May 30, 2023, Roanoke Gas Company ("Roanoke Gas" or "Company") filed an application ("Application") and report with the State Corporation Commission ("Commission") pursuant to: (1) Ordering Paragraph (7) of the Commission's January 23, 2023 Final Order in Case No. PUR-2022-00125 approving Roanoke Gas' application pursuant to Chapters 10.1 and 30 of Title 56 of the Code of Virginia ("Code") for approval of a biogas supply investment plan;¹ (2) the Commission's February 7, 2023 Order Granting Petition authorizing Roanoke Gas to implement Rider RNG effective March 1, 2023, through September 30, 2023, with a seven month revenue requirement credit of \$85,538;² and (3) Code § 56-625 E and Enactment Clause 3 of Va. Acts chs. 128 and 759 (2022).³ As described in the Application, Rider RNG pertains to the biogas supply infrastructure project consisting of a digester gas conditioning system, gas

¹ See *Application of Roanoke Gas Company, For approval of a certificate of public convenience and necessity to construct, own, and operate a digester gas conditioning system and for a rate adjustment clause designated Rider RNG and related tariff provisions*, Case No. PUR-2022-00125, Doc. Con. Cen. No. 230128822, Final Order (Jan. 23, 2023).

² See *id.* at Doc. Con. Cen. No. 238210896, Order Granting Petition (Feb. 7, 2023).

³ Application at 1.

carrying pipe, and other necessary equipment to produce renewable natural gas ("RNG Facility") that was approved in Case No. PUR-2022-00125 and became operational in March 2023.⁴

In its Application, Roanoke Gas requests approval to replace the credit currently provided to customers through Rider RNG with a charge designed to collect \$196,727 in revenue for the period of October 1, 2023, through September 30, 2024.⁵ The Application states that residential customer bills will contain a monthly charge of \$0.22 if the update to Rider RNG is approved as proposed.⁶

Roanoke Gas further states that it has calculated the current reduction in methane and carbon dioxide equivalent emissions from the RNG Facility during its operation, and is reporting such with this Application in accordance with Enactment Clause 3 of Va. Acts chs. 128 and 759 (2022).⁷

Coincident with filing the Application, Roanoke Gas filed a Motion of Applicant for Entry of Protective Order ("Motion for Protective Order") seeking to maintain the confidentiality of certain information filed under seal in accordance with 5 VAC 5-20-170 of the Commission's Rules of Practice and Procedure ("Rules of Practice"), 5 VAC 5-20-10 *et seq.*

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that this matter should be docketed; that Roanoke Gas should provide public notice of its Application; that any interested persons should be afforded an opportunity to file comments or request a hearing on the Company's Application; and that the Staff of the Commission ("Staff")

⁴ *Id.* at 4.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.* at 5-6.

should investigate the Application and file a report containing the Staff's findings and recommendations ("Staff Report").

We note that, if approved, the Company's Application will result in an increase in customer bills. The Commission notes its awareness of the ongoing rise in gas prices, inflation, and other economic pressures that are impacting all utility customers. We are sensitive to the effects of rate increases, especially in times such as these. The Commission, however, must and will follow the laws applicable to this case, as well as the findings of fact supported by evidence in the record.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed as Case No. PUR-2023-00095.
- (2) All pleadings in this matter should be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice. Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.
- (3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be

accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matters that arise during the course of this proceeding, including the Motion for Protective Order, and to rule on any motions *pro hac vice*. A copy of each filing relating to discovery matters and motions *pro hac vice* made with the Office of the Clerk in this matter shall also be sent electronically to the Office of the Hearing Examiners.⁸

(5) On or before July 7, 2023, the Company shall cause a copy of the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's service territory within the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
ROANOKE GAS COMPANY FOR APPROVAL TO
IMPLEMENT AN UPDATED RIDER RNG AND FILE THE
ANNUAL REPORT REQUIRED BY VIRGINIA
CODE § 56-625 E AND ENACTMENT CLAUSE 3
CASE NO. PUR-2023-00095

On May 30, 2023, Roanoke Gas Company ("Roanoke Gas" or "Company") filed an application ("Application") and report with the State Corporation Commission ("Commission") pursuant to: (1) Ordering Paragraph (7) of the Commission's January 23, 2023 Final Order in Case No. PUR-2022-00125 approving Roanoke Gas' application pursuant to Chapters 10.1 and 30 of Title 56 of the Code of Virginia ("Code") for approval of a biogas supply investment plan; (2) the Commission's February 7, 2023 Order Granting Petition authorizing Roanoke Gas to implement Rider

⁸ Such electronic copies shall be sent to OHEParalegals@scv.virginia.gov.

RNG effective March 1, 2023, through September 30, 2023, with a seven month revenue requirement credit of \$85,538; and (3) Code § 56-625 E and Enactment Clause 3 of Va. Acts chs. 128 and 759 (2022). As described in the Application, Rider RNG pertains to the biogas supply infrastructure project consisting of a digester gas conditioning system, gas carrying pipe, and other necessary equipment to produce renewable natural gas ("RNG Facility") that was approved in Case No. PUR-2022-00125 and became operational in March 2023.

In its Application, Roanoke Gas requests approval to replace the credit currently provided to customers through Rider RNG with a charge designed to collect \$196,727 in revenue for the period of October 1, 2023, through September 30, 2024. The Application states that residential customer bills will contain a monthly charge of \$0.22 if the update to Rider RNG is approved as proposed.










Roanoke Gas further states that it has calculated the current reduction in methane and carbon dioxide equivalent emissions from the RNG Facility during its operation, and is reporting such with this Application in accordance with Enactment Clause 3 of Va. Acts chs. 128 and 759 (2022).

The details of these and other proposals are set forth in the Company's Application. Interested persons are encouraged to review the Company's Application and supporting exhibits for the details of these proposals.

TAKE NOTICE that the Commission may adopt rates that differ from those appearing in the Company's Application and supporting documents and may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Application and supporting documents.

The Commission entered an Order for Notice and Comment that, among other things, directed the Company to provide notice to the public and provided interested persons an opportunity to comment on the Company's Application.

To promote administrative efficiency and timely service of filings upon participants, the Commission has directed the electronic filing of testimony and pleadings, unless they contain confidential information, and required electronic service on parties to this proceeding.

On or before August 4, 2023, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00095. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Comment.

On or before August 4, 2023, any interested person may request that the Commission convene a hearing in this matter by filing a request for hearing electronically via scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the

Clerk of the Commission at the address listed above. Requests for a hearing shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All filings shall refer to Case No. PUR-2023-00095.

A copy of any notices of participation and requests for hearing shall be sent to counsel for the Company.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Comment, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Company's Application, the Commission's Rules of Practice and the Commission's Order for Notice and Comment may be viewed at: scc.virginia.gov/pages/Case-Information.

ROANOKE GAS COMPANY

(6) On or before July 7, 2023, Roanoke Gas shall serve a copy of its Application and this Order for Notice and Comment on the following local officials, to the extent the position exists, in each county, city, and town in which Roanoke Gas provides service in the Commonwealth of Virginia: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city or town; and the county, city, or town attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.

(7) On or before August 4, 2023, Roanoke Gas shall file proof of the service required by Ordering Paragraphs (5) and (6) with the Clerk of the Commission.

(8) On or before August 4, 2023, any interested person may submit comments on the Application by following the instructions on the Commission's website:

scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00095.

(9) On or before August 4, 2023, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00095.

(10) On or before August 4, 2023, any interested person or entity may file a request that the Commission convene a hearing on the Company's Application, with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the Clerk of the Commission at the address above. Such request for hearing shall include the email addresses of such parties or their

counsel, if available. Requests for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All such filings shall refer to Case No. PUR-2023-00095.

(11) A copy of each request for hearing and notice of participation shall be sent to counsel for the Company: Brian R. Greene, Esquire, and Victoria L. Howell, Esquire, GreeneHurlocker, PLC, 4908 Monument Avenue, Suite 200, Richmond, Virginia 23230, Bgreene@greenehurlocker.com; Vhowell@greenehurlocker.com.

(12) The Staff shall investigate the Application. On or before August 4, 2023, the Staff shall file with the Clerk of the Commission a Staff Report containing its findings and recommendations and promptly serve a copy of the Staff Report on counsel to the Company and any respondents.

(13) On or before August 18, 2023, Roanoke Gas shall file with the Clerk of the Commission any response to the Staff Report and to any requests for hearing and comments filed by interested persons in this proceeding.

(14) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(15) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents

shall be served within five (5) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.⁹ Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(16) This matter is continued.

Commissioner Patricia L. West participated in this matter.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

⁹ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number PUR-2023-00095 in the appropriate box.